

UNITED STATES DISTRICT COURT WESTERN DISTRICT WISCONSIN

Paulo C. Gonzalez,
Plaintiff,

v.

Jackie Westover, et al.,
Defendants.

FILED/REC'D

Case No. 20-cv-635-jdp 2021 MAR 22 AM 11:27

U.S. DISTRICT COURT
WISCONSIN

DECLARATION OF PAULO C. GONZALEZ

Paulo C. Gonzalez declares as follows:

- 1) I am 55 years old, and have been incarcerated for over 20 years, currently housed at the Wisconsin Resource Center(WRC) in Winnebago, WI.
- 2) I am able to speak english in conversation, but at times need people to repeat what they say for me to understand them. I mix alot of spanish words in with my english when speaking without noticing it usually until someone asks me what the word I said means.
- 3) I have a very small ability to read english, and that is at a 2.2 grade level ability. I still go to classes here at WRC in order to try to learn to read english and have no ability to understand things that are not simple, or explained to me in a simpler way, as La Brec does with the Court documents.
- 4) When La Brec asks me for certain documents I do not know what he is asking me for, and just go get all my paperwork for him to go through himself and find what he needs.
- 5) On April 18, 2017, I was written a Conduct Report for Assault on Employee, for assaulting Unt Manager Fink. A true and correct copy is attached as Exhibit-10 and 11.
- 6) Also attached are true and correct copies of the "Advocate Interview and Summary" Exhibit-7, "DOC-67 Notice of Inmate Placed In Temporary Lockup"Exhibit-8, "DOC-68 Review of Inmate in Temporary Lockup" Exhibit-9, "DOC-84 Major Disciplinary Hearing" Exhibit-12, "DOC-84A Record of Witness Testimony" Exhibit-13, "DOC-71 Notice of Major Disciplinary Rights" Exhibit-14. These are records related to the due process hearing for the Conduct Report from #15 above, they are all true and correct copies.
- 7) Exhibit-2 is a DOC-3035B Psychological Services Request(PSR) that was filled out for me by another inmate that was across the hall from me in RH-1 when I was there for the incident above.
- 8) I was not in RH-1 on 4/2/2017, so I see the date on the form as a mistake, as the other people who wrote things on it both wrote 5/3/2017, this is a true and correct copy of the form written for me by Howard, from my file.

- 9) Exhibit-3 is a true and correct copy of my "Bed Assignments" from the Wisconsin Integrated Corrections System(WICS), I was provided this when La Brec helped me to put in an open records request when the Court denied the discovery motion he typed for me, the dates range from 7/28/2015 through 2/21/2020.
- 10) Exhibit-4 is a true and correct copy of the "Inmate Status Changes" page from WICS, obtained at the same time as Exhibits-2, and 5. The date range on Exhibit-4 is from 11/27/2016 through 8/25/2022.
- 11) Exhibit-5 is a true and correct copy of the "Inmate Restrictions/Precautions" page from WICS, with a date range of 4/18/2017 through 9/20/2017.
- 12) Exhibit-6 is a true and correct copy of a "DOC-1089 Denied Visit Justification" form filled out on 4/25/2017, by Sergeant Jordan(Non-defendant), for a visit with my friend Steven Collins.
- 13) When I was placed in RH-1 on 4/18/2017, I was placed on the tier with La Brec, and another inmate that helped me fill out forms because the officers would not let me have any, or anything to write with.
- 14) While in RH-1, I was not provided with any property whatsoever, including a mattress, bedding, clothes, hygiene, writing utensil, paper, books, or anything, and only a few squares of tissue at a time.
- 15) I asked the officers why I couldn't get any property once I was taken off of Control status, and they told me I was now on "Modified Property" but said that it meant I couldn't be given anything that wasn't already approved for me to have.
- 16) The entire time I was in Rh-1 I was repeatedly told that I had no approved property for my Modified Property restriction.
- 17) When the property officer Correctional Officer II Fabry would pass out mail, he would tell me I was not allowed to have any of it in my cell, and that he puts anything I get in my property bin.
- 18) I heard La Brec talking to people about lawsuits on the tier, and I asked Howard who was across from me to help me talk to him, and Howard got La Brec's attention for me.
- 19) I then explained to him the situation about the phone calls to my family, and how the institution was stealing my money from me, and I asked him how I file a lawsuit about it.
- 20) He told me that the thing I had to make sure to do now was to file my complaint with the institution; I told him that I had done that and heard nothing back.
- 21) He asked me how long it had been since I did that, and I told him it was sometime in early February.
- 22) He then told me that even if I filed it in the end of February they should have

already made a decision if they were doing it by the deadline, and I told him they had not sent me any decision.

- 23) He told me that we needed to file an appeal right away, but when I tried to get the forms, the Officers that I sked told me I couldn't have them since I was on modified property.
- 24) I do not remember the officer's names, but I know one of them was a sergeant, and one of them ended up passing away a few months later.
- 25) La Brec then told me that they, him and Howard would do it for me, and try to get the officers to let me sign it. I told them what all had been happenning, and they would talk about it, with La Brec telling Howard what to write on the form.
- 26) When they were done they tried to get the officer that passed away later to let me sign it, but he said he would get in trouble, and wouldn't do it.
- 27) Then they said that Howard should just try putting it in anyway, and I said yes whenthey asked if that was ok, Howard put it in a stamped envelope with my name on it.
- 28) I never received anything back about it, and was unable to find out anything that happened with the complaint until months later when I got out of segregation on unit 7 where they sent me from RH-1 to do my segregation time.
- 29) I didn't have any property until after I went to unit 7, and that was only my clothes and a matress.
- 30) The entire time I was in RH-1 I was on modified property, they told me that I would go to unit 7 when I was off modified property since I was a seriously mentally ill inmate.
- 31) When I finally got my property and saw the complaint decision I then wrote a letter to the Department of Corrections(Dkt.#67-1) about the situation.
- 32) I wrote this letter with the help of another inmate for spelling issues, but I did not have access to Mr. Earls to help for it, and any issues are because I did not know what I was doing.
- 33) I wrote a request asking about the status of my complaint CCI-2017-4759 to the Complaint Examiner's Office on 3/29/2017, and received a scrap of paper back, stapled to the request I sent this scrap, along with the request I sent are attached as Exhibit-15A, 15B, and 15C, these are true and correct documents, Earls dated 15C.
- 34) There was no other response, and it did not say who sent this, but it should be included in the materials the defense put in and it's not, so I am including it here.
- 35) I received the Dkt.60-Exh.1005-003, 004 on 2/16/2019, I received Exhibit-1005-005 on the same day.

- 36) I wrote "(NO ANSWER.)?" on Exhibit-15A after I got it back, not understanding that I shouldn't do it. On Exhibit-15C Mr. Earls wrote the date, as it was still stapled to the request form, to show the day I got it. I am going to tape 15C to 15A in the place it was stapled for filing with the Court.
- 37) I swear that I am depositing this declaration, La Brec's decxlaration, and the brief in opposition to summary judgment in the prison mailbox today 10/31/2022.

I, Paulo C. Gonzalez, swear under penalty of perjury that the foregoing is true and correct, and based upon my own personal knowledge pursuant to 28 U.S.C. §1746.

Dated this 31st day of October, 2022 at Winnebago WI.



Paulo C. Gonzalez#394340

(see Brief for mailing address)